

OCT 17 2003  
PATENT & TRADEMARK OFFICE

AMENDMENT TRANSMITTAL LETTER		CLIENT-MATTER NO.: 66654-684 (P-LJ 5037)	
SERIAL NO: 10/001,254	FILING DATE: November 15, 2001	EXAMINER: G. Nickol	GROUP ART UNIT: 1642 CONFIRMATION NO.: 8329
INVENTION: NOVEL DEATH DOMAIN PROTEINS			

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Transmitted herewith is a response to the Restriction Requirement mailed September 17, 2003, in the above-identified application.

☒ Small Entity status of this application has been established under 37 CFR 1.27.

☐ One executed Terminal Disclaimer.

☐ Request for an Extension of Time (in duplicate).

☒ No additional claims fee is required.

☐ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMEND- MENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE			FEE	
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	56	-	56	-	0	x	\$9	\$18	=	\$	\$
INDEPEN- DENT CLAIMS	20	-	20	-	0	x	\$42	\$84	=	\$	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			_____YES		_____X___NO		\$140	\$280	=	\$	\$
							TOTAL ADDITIONAL FEE			\$0	\$

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\_\_\_\_ Please charge my Deposit Account No. 502624 the amount of \$  
which covers the fee for an extension of time. A duplicate  
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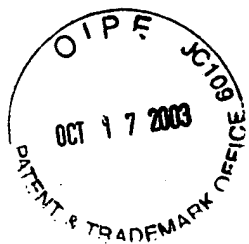
Respectfully submitted,

October 17, 2003  
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10-20-03

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1642

PATENT  
Client-Matter No.:  
66654-684 (P-LJ 5037)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Confirmation No:  
Reed et al. ) 8329  
Serial No.: 10/001,254 ) Group Art Unit: 1642  
Filed: November 15, 2001 ) Examiner: G. Nickol  
For: NOVEL DEATH DOMAIN )  
PROTEINS )

Commissioner for Patents  
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RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed September 17,  
2003, entry of the following remarks is respectfully requested.

REMARKS

Claims 1 to 52 are pending, and have been restricted  
under 35 U.S.C. § 121 into the 31 groups shown on pages 2-15 of  
the Office Action mailed September 17, 2003. The Office Action  
also indicates that one sequence must be elected for

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examination, depending upon which group of claims is elected, as set forth in bold text on pages 2-25 of the Office Action.

Applicants traverse the restriction and election of sequence requirements for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect the invention of Group 4, claims 14 to 21 and 23, for examination. In addition, Applicants elect SEQ ID NO:16 (human IRAK-4) for examination with respect to the claims of Group 4. Applicants point out that claims 17 to 21 and 23 recite IRAK-4 sequences, while claims 14 to 16 as filed do not recite an IRAK-4 sequence. Applicants reserve the right to pursue prosecution of non-elected subject matter in one or more related applications that claim the benefit of priority to the subject application.

Applicants respectfully traverse the sequence election requirement with respect to nucleic acid molecules encoding amino acid sequences SEQ ID NOS:6, 16 and 26 because each of these sequences corresponds to a form or domain of human IRAK-4. Specifically, as is set forth in the specification, SEQ ID NO:16 corresponds to a long form of human IRAK-4 (page 106, lines 15-21); SEQ ID NO:26 corresponds to a short form of human IRAK-4 (page 106, lines 22-23 and page 128, lines 15-18); and SEQ ID NO:6 corresponds to the death domain of human IRAK-4 (page 106, lines 27-30). Therefore, a search of prior art in relation to SEQ ID NO:16 will reveal art relevant to SEQ ID NOS:26 and 6. Thus, search and examination of nucleic acid molecules encoding amino acids SEQ ID NOS:6, 16 and 26 would not pose an undue burden on the Examiner.

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Applicants respectfully traverse the restriction requirement with respect to the division of the claims of elected Group 4 from those of Group 1. Applicants submit that while the claims of Group 4 are patentably distinct from those of Group 1, a thorough search of Group 4 claims will identify art relevant to Group 1. In this regard, the claims of Group 4 are directed to nucleic acid molecules while the claims of Group 1 are directed to isolated polypeptides encoded by the nucleic acid molecules of Group 4. A thorough search of the recited nucleotide sequences will include a search of polypeptides encoded by the sequences. Specifically, any nucleotide sequences identified in a search can be readily translated into corresponding amino acid sequences. For this reason, Applicants submit that search and examination of the claims of Groups 4 and 1 together would not impose an undue burden on the Examiner.

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**CONCLUSION**

In view of the above remarks, Applicants elect the claims of Group 4 (claims 14 to 21 and 23) with respect to nucleic acid molecules encoding human IRAK-4 sequence SEQ ID NO:16, and request that the Examiner also consider nucleic acid molecules encoding IRAK-4 amino acid sequences SEQ ID NOS:6 and 26. Applicants further request that the Examiner reconsider the restriction requirement and examine the claims of Group 1 together with those of elected Group 4. Should the Examiner have any questions, he is invited to call Cathryn Campbell or the undersigned agent.

Respectfully submitted,

Date: October 17, 2003

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